This determination has been made by Congress, and the courts are not free to substitute their own public policy determinations.

The *Richards* court is not alone in its interpretation of this statutory bar to waiver. In *Leslie* v. *Lloyd's of London*, a Federal district court, after hearing evidence, struck down the Choice Clauses, stating that they were procured by fraud and violated public policy. The case is currently on appeal to the Fifth Circuit, where the SEC has participated in oral argument, arguing that the Choice Clauses are void.

Mr. Speaker, what is involved here is a very basic proposition. When foreign promoters come into Illinois and other States to raise capital, they cannot effectuate waivers of substantive rights under the securities laws that belong to those form whom they solicit capital. Congress has said no and that should be the end of the story.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1997

Mr. DELAHUNT. Mr. Speaker, much of the controversy surrounding H.R. 408 concerns the redefinition of the ''dolphin safe'' label—an issue of particular significance to me and to the residents of the 10th Congressional District of Massachusetts, home of the Center for Coastal Studies in Provincetown, a world-class marine mammal research facility.

One of the reasons I opposed this bill when it was first brought to the House floor was that there is no scientific justification for a change in the dolphin-safe label. Common sense suggests that the repeated harassment and chasing of dolphins jeopardizes their well-being. Along with a number of my colleagues, I wanted to see evidence that chasing and netting dolphins in the course of tuna fishing was safe for dolphins before agreeing to change the definition of the ''dolphin safe'' label.

The bill before us is a compromise between proponents of an immediate label change and those of us who contend instead that policy should reflect scientific method. The bill mandates a 3-year study on the effect of the intentional chase and encirclement on dolphins and dolphin stocks taken in the course of tuna fishing.

Based on the initial results of this study, the Secretary of Commerce is required to make a finding between March 1 and March 30, 1999, as to whether the intentional chasing and netting is having a significant adverse impact on any depleted dolphin stocks. If the Secretary does not make a finding of significant adverse impact, then the label will be redefined to allow its use on tuna harvested with the encirclement method. At the conclusion of the 3-year study, section (5) requires the Secretary to make a similar finding and if significant adverse impact is found, then the definition would revert back to its current meaning as defined in the Dolphin Protection Consumer Information Act.

Mr. Speaker, the bill does not include a definition of the term ''significant adverse impact,'' but it is my understanding that it would include any impact that retards or impedes the recovery of the depleted dolphin stocks. For example, in the recovery of the grey whale, scientists observed population growth rates of between 4 and 6 percent. Similar growth rates are expected in the depleted dolphin stocks. Therefore, if the study shows that the depleted stocks of dolphins are not growing at the expected rates of 4 to 6 percent, I presume the Secretary will be required to make a finding that chase and encirclement is having a significant adverse impact on the dolphins and the label will not change.

The bill is an imperfect attempt to help make certain, above all, that dolphins are not put at unnecessary risk—and that marine mammal policy derives from sound science.

KEEPING AMERICA COMPETITIVE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a resolution expressing the sense of the House of Representatives that America not be placed at a competitive disadvantage during the climate change negotiations in Kyoto, Japan in December, 1997.

The Clinton-Gore-Browner administration is notorious for pushing forward far-reaching environmental initiatives without adequately consulting the legislative branch or the scientific community. As you may remember, on September 19, 1996, President Clinton declared 1.7 million acres of Utah wilderness as a national monument without the endorsement of a single elected official from Utah, let alone any legislative action by the U.S. Congress. More recently, the Clinton administration announced radically expensive air quality standards for ozone and the fine particulate matter without any causal proof of their risk to health.

Now it appears that the Clinton administration once again is trying to pull a political end-run. This December, it will represent the United States at an international meeting in Kyoto to discuss revisions to the United Nations Framework Convention on Climate Change. The essence of the meeting is to discuss new compliance mandates to limit and/or reduce the global emission of greenhouse gases.

While the greenhouse effect as a concept has been generally accepted as scientific fact, there are widely varying estimates of humankind's impact on the temperature of the Earth's atmosphere. Therefore, it is impossible to judge what impact, if any, efforts to curb greenhouse gas emissions will have on global warming.

In keeping with this uncertainty, the United States signed the United Nations Framework Convention on Climate Change in 1992, which called on all industrialized nations to adopt policies and programs to limit greenhouse gas emissions on a voluntary basis by the year 2000. In April 1995, the industrialized nations agreed to the Berlin Mandate, which set December 1997 as a target date to establish legally binding commitments from industrialized nations on the emission of greenhouse gas while exempting 129 developing nations, including China, Mexico, India, Brazil, and South Korea, from its provisions.

If taken to its logical conclusion, the Berlin Mandate would create a two-tiered environmental obligation, forcing the entire burden to reduce greenhouse emissions on industrialized nations while turning the developing world into a pollution enterprise zone. This would truly create a ''giant sucking sound'' of jobs leaving America to the Third World.

It's not too late for the Clinton administration to alter its potentially disastrous policy course. My resolution would express the sense of the House that:

1. The administration will not sign any protocol or agreement to limit or reduce greenhouse gas emissions unless the protocol or agreement also mandates developing countries to limit or reduce greenhouse gas emissions within the same period.

2. The United States will not sign any protocol or agreement regarding global climate change that would result in serious harm to the economy of the United States.

3. Any protocol or agreement which must be sent to the Senate for advice and consent for ratification should:

(a) Be accompanied by a detailed explanation of any legislation or regulatory actions that would be required to implement the protocol or agreement; and

(b) Be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States that would be incurred by implementation of the protocol or agreement.

Last week, the other body passed a nearly identical resolution on a vote of 95 to 0. The House should express its will as well, since we would have to consider and pass legislation to remain in compliance with any such treaty.

As the Kyoto Conference draws near, thousands of American jobs are on the chopping block. Any over-reaching and/or inequitable effort to limit the level of CO_2 emissions would be tantamount to pink slips to the American worker. We cannot allow this to happen.

I urge my colleagues to cosponsor this resolution.

IN HONOR OF U.S. DISTRICT JUDGE CLARKSON S. FISHER, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1997

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the late U.S. District Judge Clarkson S. Fisher, Jr. Judge Fisher passed away on Sunday, July 27, at the age of 76, after battling cancer for the past several months.

Mr. Speaker, the death of Judge Fisher is for me the cause of great personal sadness. I was an intern for Judge Fisher in law school, and he had a major impact on my career. Judge Fisher instilled in me a deep appreciation for how the law can and should be a means for attempting to resolve the real difficulties and conflicts that touch people's lives, and for achieving justice in the very best sense of that word. He was a great inspiration.

Judge Fisher was a native of my hometown of Long Branch, NJ. He was active in local government in the neighboring community of West Long Branch, served in the New Jersey

State Assembly and was a trustee of Monmouth College, now university. A graduate of the University of Notre Dame, and its law school, Judge Fisher was awarded the Justice William J. Brennan Award in 1989 from the Association of the Federal Bar of New Jersey.

Judge Fisher was a Monmouth County court judge from 1964 to 1966, and a superior court judge from 1966 until October 1970, when President Nixon named him to the Federal bench. Judge Fisher gave up the title of chief judge of the Federal courts in New Jersey in September 1987 after 8½ years of service, the longest tenure of any chief judge in the district. The next day, he returned on a voluntary senior status, handling a caseload comparable to an active judge until several weeks before his death. Among many other accomplishments, he was the moving force behind the construction of New Jersey's three Federal courthouses, including the Federal courthouse in Trenton named for him in 1995.

Mr. Speaker, it is an honor for me to pay tribute to the life of Judge Clarkson S. Fisher. For his wife, Mae Hoffman Fisher, four sons, other family members, and his many, many friends, I hope the numerous expressions of praise and remembrance will be some consolation in their time of loss.

HAPPY 100TH BIRTHDAY JAKOV URSICH!

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1997

Ms. HARMAN. Mr. Speaker, I am pleased to join the family and friends of Jakov Ursich in wishing him a happy 100th birthday.

Jakov is reportedly the oldest living Croatian in San Pedro. But clearly his age does not slow him down. Even today, he is often seen at the Dalmatian-American Club dancing the polka.

Born in Selca, Brac, Croatia, Jakov came to the United States in 1921 looking for a better life. He left behind a wife, Marica, and child, Anka, and settled initially in Tacoma. In 1924, he moved to San Pedro, where he worked in the local shipyards until he became a commercial fisherman. Soon thereafter, Jakov became a United States citizen and then sent for his family. Within a few more years, Jakov's family grew with the birth of a son and another daughter. Now he enjoys the company of five grandchildren and six great-grandchildren.

Mr. Speaker, Jakov Ursich is a member of a very vibrant Croatian community in San Pedro. In the 73 years he has lived here, he has contributed greatly to its spirit and wealth. Indeed, he still lives in the house he built for his family more than 40 years ago.

On August 9th, his 100th birthday, Jakov will be surrounded by many friends and family members. I am pleased to lend my voice to the chorus of ''Happy Birthday'' that I know will be sung.

And, Jakov, many happy returns.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in strong opposition to the Smith amendment and support of the Campbell-Smith amendment. To deny funding to multilateral and foreign nongovernmental organizations that engage in abortion-related activities with their own private funds is wrong. To suddenly terminate all U.S. funding for family planning worldwide under the United Nations Population Fund based on UNPFA activities in China, which do not exist, is punitive and without logic. And to prohibit foreign organizations from using their own funds to engage in legislative discussions and advocate for abortion-related issues is a gag rule in the worst form.

All of these provisions contradict our Nation's attempts to create healthy and prosperous communities across the world. Unfortunately, we are living in an era where family planning is not an option, but rather, a necessity. Providing education on conditions which may harm a woman's pregnancy, on ways to avoid ever even needing an abortion, on prenatal care, and on how to care for babies once they are born are all necessary components of family planning. This kind of education and the delivery of basic health care are needs that transcend politics.

I thank Mr. CAMPBELL and Mr. GREENWOOD for standing up for responsible foreign policy and making sure that this essential need for quality family planning is not stripped from the women and families who need it most. I encourage my colleagues to join me in supporting the Campbell-Greenwood amendment.

TRIBUTE TO THE HONORABLE KARYNE JONES CONLEY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1997

Mr. RODRIGUEZ. Mr. Speaker, six of my colleagues from the Texas delegation—Mr. BRADY, Mr. EDWARDS, Mr. GREEN, Ms. E.B. JOHNSON, Mr. SAM JOHNSON, and Mr. TURNER—and I all had the privilege of serving in the Texas Legislature prior to being elected to the U.S. Congress. During our respective tenures in the State Legislature, all seven of us were honored to know a wonderful lady—and native of San Antonio—by the name of Karyne Jones Conley, who served as a member of the Texas House of Representatives, District No. 120 of eastern Bexar County, from January 10, 1989, to July 10, 1996. From July 1996 to present, Ms. Conley—now relocated to the Washington, DC metropolitan area—has served as director of Federal relations for S.B.C. Telecommunications, Inc., a post which has brought her great pleasure and personal satisfaction.

At the initiative of her former Capitol office administrative assistant, Mr. Gregory D. Watson of Austin, TX, who now serves in that same capacity for State Representative Leo Alvarado, Jr., also of Bexar County, the recently-concluded regular session of the 75th Legislature honored Ms. Conley with the adoption of House Concurrent Resolution No. 320, which was presented in the Texas House by Representative Alvarado, and in the Texas Senate by State Senator Frank L. Madila, Jr. The resolution was then signed by Texas Governor George W. Bush on June 18, 1997.

Mr. Speaker, having known and having worked with Ms. Conley for many years in San Antonio, then in Austin, and now in Washington, DC, I, too, would like to pay tribute to this outstanding public servant. I respectfully ask that the full text of House Concurrent Resolution No. 320 be printed in the CONGRESSIONAL RECORD as follows:

THE STATE OF TEXAS

HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 320

Whereas, The Texas Legislature is proud to congratulate former State Representative Karyne Jones Conley on her latest career achievements with SBC Telecommunications, Inc., in Washington, D.C.; and

Whereas, A native San Antonian, Ms. Conley earned a bachelor's degree in political science from Clark Atlanta University in Georgia and a master's degree in public affairs from Northern Illinois University; in 1995, she completed her second master's degree at Harvard University, focusing on the study of economic and political development; and

Whereas, Ms. Conley began her distinguished public service career in our nation's capital as a congressional aide to former U.S. Representative Andrew Young of Georgia, and when he was appointed by then-President Jimmy Carter to the post of Ambassador to the United Nations, the youthful Miss Jones served as Young's Public Affairs Officer at the United States Mission to the United Nations in New York City; and

Whereas, After returning to her hometown of San Antonio, Ms. Conley drew upon her deep interest in both education and the arts as Director of the Carver Cultural Center and as a grant writer for The University of Texas Institute of Texan Cultures; she also served as Program Developer for Continuing Education at San Antonio College, and in 1985, she was elected to her first public office, the East Central Independent School District Board of Trustees; and

Whereas, Highly regarded throughout the community for her professionalism, integrity, and dedication, this esteemed lady was elected to the Texas House of Representatives in 1988, representing eastern San Antonio and Bexar County and was re-elected without opposition in 1990, 1992, and 1994; during her four terms of office, Representative Conley demonstrated intelligence and leadership as a member of the Appropriations, House Administration, Corrections, and Judiciary committees, and she was tapped to serve as vice-chair of the House's Urban Affairs Committee; and

Whereas, Since July 1996, Ms. Conley has served with distinction as Director of Federal Relations with SBC Telecommunications, Inc., in Washington, D.C., and although this position has temporarily drawn